

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rabbani et al.

Application No.: 08/978,637 Group Art Unit: 1635

Filed: November 25, 1997 Examiner: A. Hudson

For: **COMPOSITION OF MATTER COMPRISING PRIMARY NUCLEIC ACID COMPONENT**

Confirmation No.: 4643

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants submit herewith references which they believe may be material to the patentability of this application and with respect to which there may be a duty to disclose in accordance with 37 C.F.R. 1.56.

While the references may be "material" under 37 C.F.R. 1.56, it is not intended to constitute an admission that the references are "prior art" unless specifically designated as such.

The filing of this Supplemental Information Disclosure Statement shall not be construed as a representation that no other material references than those listed exist or that a search has been conducted.

The references listed below, in Form PTO SB08a (in accordance with the requirements of MPEP 609) and submitted herewith are copies of Office Actions issued on the merits in related applications. The above-referenced application is a division of application serial no. 08/574,443. Applicants note that application serial nos. 08/978,633, 08/978,634, 08/978,636, 08/978,635, 08/978,638 and 08/978,639 are also divisional applications of application serial no. 08/574,443. Related application serial no. 08/978,632 is a continuation of application serial no. 08/574,443. Application serial nos 08/978,635 and 08/978,639 have been abandoned. Applicants note that additional applications have been filed: application. ser. no. 11/929,897, a continuation of

application ser. no. 08/978,632, application. ser. no. 11/925,929, a continuation of 08/978,636, application. ser. no. 11/929,055, a continuation of 08/978,637 and application. ser. no. 11/927,676, a continuation of 08/978,638; no Office Actions have issued in any of these applications.

Prosecution in related applications

Pat. App. No. 08978632 (Attny. Dkt. No. Enz-53-C) Non-Final Rejection 2008-01-08

Pat. App. No. 08978633 (Attny. Dkt. No. Enz-53-D1) Final Rejection 2008-02-25

Pat. App. No. 08978634 (Attny. Dkt. No. Enz-53-D2) Final Rejection 2008-05-28

Pat. App. No. 08978636 (Attny. Dkt. No. Enz-53-D3) Final Rejection 2008-09-15

Pat. App. No. 08978633 (Attny. Dkt. No. Enz-53-D1) Non-Final Rejection 2008-09-25

The additional foreign patent documents and non-patent literature listed below and in Form PTO SB08a (in accordance with the requirements of MPEP 609) have not been made of record previously in the instant case; they are submitted herewith.

Foreign Patent Documents

EP 0273085 1988-07-06 Battelle Memorial Institute (CH)

Other non-patent references

DIBB "Why do genes have introns?" FEBS Letters 325: 135-139.
1993

FERKOL et al. "Gene transfer into the airway epithelium of Animals by targeting the polymeric immunoglobulin receptor. J. Clin. Invest. 95: 493-502. 1995

FERKOL et al. "Immunologic responses to gene transfer into mice via the polymeric immunoglobulin receptor." Gene Therapy 3: 669-678.
1996

GAO et al. "Direct in vivo gene transfer to airway epithelium employing adenovirus-polylysine-DNA complexes" Human Gene Therapy 4: 17-24. 1993

JOHANSEN "Intron insertion facilitates amplification of cloned virus cDNA in Escherichia coli while biological activity is reestablished after transcription in vivo" Proc. Natl. Acad. Sci. USA 93: 12400-12405.
1996

WU et al. "Receptor-mediated gene delivery and expression in vivo" J. Biol. Chem. 263: 14621-14624. 1988

WU et al. "Incorporation of Adenovirus into a ligand-based DNA carrier system results in retention of original receptor specificity and enhances targeted gene expression" J. Biol. Chem. 269: 11542-11546.
1994

It is respectfully requested that these references be considered by the Patent and Trademark Office in its examination of the above-identified application and be made of record therein. The Examiner is also invited to contact the Undersigned if there are any questions concerning this paper or the attached references.

The Information Disclosure Statement submitted herewith is being filed

[] together with an RCE

[X] after submitting the RCE but before any subsequent Office Action

[] before the mailing date of a first Office Action on the merits

[] after the mailing date of a first Office Action on the merits.

Respectfully submitted,

Date: 2008-11-06

/Cheryl H Agris/

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